

## **REMARKS / DISCUSSION OF ISSUES**

Claims 1-9, 13-21 are pending in the application. Claims 1, 7, 13 and 19 are independent claims.

Claims 10-12 and 22-24 are cancelled without prejudicial or disclaimer of the subject matter thereof.

### **Rejections Under 35 U.S.C. § 102**

Claims 1-24 are rejected under 35 U.S.C. § 102(e) as being unpatentable over *Ho* (US Patent Publication No. 2003/0081547). For at least the reasons that follow, Applicants respectfully submit that all pending claims are patentable over the applied art.

Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991). Finally, it is well-established that the initial burden of establishing a rejection for anticipation rests with the Office. To wit, the statute states that a person is entitled to a patent unless the conditions of anticipation are met.

Claim 1 is drawn to a hybrid controller (IIC) and features:

*“...responsive to a schedule change for one of the participating WSTAs, 106, 109 the SME 202 within the HC generates a request primitive for transmission to the MLME 201 within the HC.”*

Claims 7, 13 and 19 each include a similar feature. In each case, the schedule change for one of the WSTAs and the generation of the request primitive are causally related.

The Office Action directs Applicants to paragraphs [0046], [0048], [0050], [0051], [0067] and [0068] of *Ho* for the alleged disclosure of the noted feature of claim 1 and the similar features of claims 7, 13 and 19. A review of these portions of the reference does reveal the adding, modifying and deleting of traffic streams through the support of QoS action primitives. However, there is no disclosure of the generation of request primitives in response to a schedule change for one of the participating WSTAs.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that at least one feature of each of claims 1, 7, 13 and 19 is not disclosed in the applied art. Thus, the rejection of these claims for anticipation is defective and should be withdrawn. Moreover, the rejection of claims 2-6, 8-9, 14-18 and 20-21, which depend from claims 1, 7, 13 and 19, respectively, is also improper for at least the same reasons.

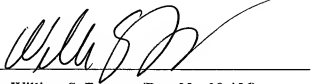
### **Conclusion**

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:  
Phillips Electronics North America Corp.

A handwritten signature in black ink, appearing to read 'William S. Francos', is written over a horizontal line.

by: William S. Francos (Reg. No. 38,456)

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